of the disability, such impediment not being known by them to exist at any time before its removal. *Poole* v. *People,* 24 Colo. 510, 52 Pac. 1025, 65 Am. St. Rep. 245; *Land* v. *Land, supra.* In the light of these rules, the marriage in question should have been held a valid common-law marriage in Illinois, as the disability did not exist there. And the element of marital consent, after the change of residence, is found in the fact that the parties intended their cohabitation in Illinois to be matrimonial. There was thus created a valid present agreement, and the fact that the parties erred in their idea of what was necessary to make that agreement binding in law, it would seem, should make no difference in its legal effect, since the necessary essentials of the agreement were actually present. It is true that in prosecutions for bigamy, the presumption of innocence in the second marriage will overcome a mere presumption of validity of the first. *Green* v. *State,* 21 Fla. 403, 58 Am. Rep. 670; *Hiler* v. *People,* 156 Ill. 511, 41 N. E. 181, 47 Am. St. Rep. 221. But the doctrine does not apply where the first marriage is in fact entered into. *Parker* v. *State,* 77 Ala. 47, 54 Am. Rep. 43; *People* v. *Mendenhall,* 119 Mich. 404, 78 N. W. 325, 75 Am. St. Rep. 408.

NEGLIGENCE—IMPUTED NEGLIGENCE—DEATH BY WRONGFUL ACT.—An infant, while in the custody of its father, was killed by the negligence of the defendant. The father was actively negligent in allowing the infant to be exposed to the danger. The father brought an action as administrator of the infant. *Held,* he cannot recover. *Ohnesorge* v. *Chicago City Ry. Co.* (Ill.), 102 N. E. 819. See NOTES, p. 318.

OIL AND GAS WELLS—DAMAGES—PERCOLATING WATERS.—The defendant dug a well on his land and after abandoning it, removed the casing and failed to plug it up. Water collected in it and permeated the surrounding sand, injuring the plaintiff's oil well. *Held,* although the case was one of novel impression, there is a right of action at common law for damages. *Atkinson* v. *Virginia Oil & Gas Co.* (W. Va.), 79 S. E. 647.

While apparently, as stated in the decision, an application of the law to a novel state of facts, yet the decision follows as the logical extension of well established principles. It is settled that a person has a right to a reasonable use of percolating water on his own land. See NOTES, p. 229. But by the great weight of authority he has no right, by a use of his own land, to pollute the percolating waters of another. *Ballard* v. *Tomlinson,* L. R. 29 Ch. Div. 115; *Pensacola Gas Co.* v. *Pebley,* 25 Fla. 381, 5 So. 593; *Kinnaird* v. *Standard Oil Co.,* 89 Ky. 468, 12 S. W. 937, 25 Am. St. Rep. 545, 7 L. R. A. 451. There seems no reason why this rule should not apply, as in the principal case, to percolating oil or gas.

PARTNERSHIP—SURVIVING PARTNER—RIGHT TO COMPENSATION.—A partnership for the practice of law was dissolved by death. The partnership assets included considerable business in the nature of pending litigation. The surviving partner prosecuted this litigation to its termination. In a suit for an accounting the survivor claimed the right to compen-